Mc No. 1356

Dated 6-5-30

REVENUE DEPARTMENT.

Received ..... 192 *Registered* 192

Subject.

Allowances - Travelling Allowance - Grant in lieu of Fixed Travelling Allowance - Sanction solicited.

Enclosures.
No .....
.....
Spare copies .....

Ref.on C.No. 585-F.5-30.

Station Mangalore. *Dated the* 24th March 1930.

From (Name) G. W. Wells, Esq., M.A., I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Revenue Department.

MADRAS.

~~Sir,~~
Through

The Secretary to the Board of Revenue
Land Revenue and Settlement,
Madras.

Sir,

The Tahsildar, Mangalore, appeared before the Deputy Tahsildar Magistrate, Bantwal, on 4-10-1929 as a witness in a criminal case to depose to facts within his official knowledge. He returned the same day to headquarters and drew mileage at 6 annas per mile to and fro Bantwal, a distance of 32 miles, after giving credit for the fixed travelling allowance already drawn by him for the day.

Ref (1)(c) on
[illegible] Vol II of
[illegible]

2. The Accountant-General, Madras, in item 1 of his objection statement T2-769 dated 3-12-1929, questioned the validity of the claim and asked for information whether the journey was within his jurisdiction. He was informed that though the Tahsildar's jurisdiction extends over the whole of Bangalore Taluk including Bantwal, there was a separate Deputy Tahsildar exercising Revenue jurisdiction over the Bantwal — Division, and that the Tahsildar performed his journey as a witness in a criminal case. In his further remarks, the — Accountant-General ordered the recovery of the sum of Rs.11-3-0 paid to the Tahsildar as being inadmissible and it was recovered.

3. The Tahsildar presses his claim for the travelling allowance on the ground that he performed the journey not in connection with his ordinary duties but only to appear as a witness before the Sub Magistrate and that, therefore, the question of jurisdiction as contemplated in rule 55 of the Madras Travelling Allowance Rules does not arise in his case. Rule 55 of the Madras Travelling Allowance Rules lays down that fixed travelling allowance of an officer is intended to cover the — cost of all journeys within the specified area (jurisdiction) and that no other travelling allowance in place of or in addition to fixed travelling allowance can be drawn for journeys within that area and under Rule 56 mileage allowance is admissible to such subordinates only if the tour was made beyond jurisdiction. The rule is no doubt explicit, but so far as I can see it is applicable only to cases of ordinary tours performed by officers within their specified area irrespective of the distances travelled by them and cases of the kind were not contemplated at the time of framing the rules.

4. The Tahsildar was in camp inspecting certain lands on the day previous to his journey to Bantwal and he returned to his headquarters that very evening, so as to enable him to respond to the summons from the Deputy Tahsildar Magistrate.

On the day of his journey to Bantwal he was forced to travel by a special car to and from Bantwal so as to adhere to his programme of tour on the next day for conducting the sales of certain lands as per Gazette notifications. He says that he had to pay Rs.8/- for the car and that he spent Rs.3/- for toll-gate fees and detention charges.

5. The application of the rule quoted above would -- really work hard on the Tahsildar inasmuch as he would be under the rule entitled to get only annas 13/- as fixed travelling allowance in return for the eleven rupees spent by him for the journey. I, therefore, request that the Government may be -- pleased to sanction the grant of mileage to the Tahsildar for the journey.

Your obedient servant,

Allowances - Travelling (S. Kanara)
Tahsildar Mangalore - Appearance
as witness in criminal case before
Dy Tahsildar Magistrate Bantwal.
Grant of t.a. under ordinary rules
in lieu of T.T.A. - recommended

E 1876/30 A ppt.

Ref E 1876/30-1 dt 4.30
Submitted to Govt
2/- The Board supports the
Collr's recommendation

4.4.30 4.4.30 JJH 4.4.30

Issue 11.4.30

GOVERNMENT OF MADRAS

E 2531

Sectt. II-15 (b)—25,000—22-1-30.

SECY. 5 MAY 1930

Received BOARD OF REVENUE LAND REV. & SETTLEMENT 4-MAY1930 193

Registered 193

Abstract.

Allowance - Travelling - (South Kanara) - Tahsildar, Mangalore - Attendance before Stationary Sub Magistrate, Buntwal - Sanctioned.

Rc.(Ms.) 1356 of 6.5.30
Communicated to the Collr of S. Kanara
6/5/30 6-5-30 JSK 6.5.30 Issued 6-5-30
to the Collr of S. Kanara.

Revenue DEPARTMENT.

G.O. No Ms.831. dated 3rd May 1930.

READ the following paper :—

ENCLOSURES.

No. .....

From the Board of Revenue, Land Revenue and Settlement, Ref.No.E.~~xxxx~~ 1876/30-1, dated 4-4-1930.

Order.

In the special circumstances reported by the Collector of South Kanara, the Government sanction the grant of travelling allowance at mileage rates to the Tahsildar of Mangalore for the journey performed by him from Mangalore to Buntwal and back in connection with his appearance as a witness before the court of the Sub Magistrate, Buntwal.

(By order of the Governor in Council)

H.R.Pate,
Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.
" Accountant General through the Finance Department.

Forwarded.

(By Order)

Superintendent.

Allowances - Travelling - (S. Kanara). Tahsildar Mangalore - Appearance as witness in a Criminal Case before the Sessions Judge Mangalore - Bantwal - Grant of t.a. on ordinary scale in lieu of F.T.A.

E 1876/20 p/cf

To A

Put up the Cobs Letter at b/- 3 c/ which is addressed to Govt

p37 Vol I of M.T.A. rules

Under rule 91 of the M.T.A. rules a Govt servant summoned to give evidence in British India in a Criminal case, may draw t.a as for a journey on loin, provided the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties. As the facts deposed to by the Tahsildar in question had were within his official knowledge, he is entitled to draw t.a. as on loin for his journey to & from Bantwal. But rule 55 ~~[illegible]~~ lays down that no t.a. other than his F.T.A. can be drawn by a Govt servant in receipt of F.T.A. for journeys within his jurisdiction The Tahsildar, Mangalore is ∴ entitled only to his F.T.A. for his journeys to & from Bantwal

[illegible] his jurisdiction.

The Coll^r, however, points out that the application of the above rule in this particular case would really work hard on the Tahsildar & that it should be inferred that it is limited in its application to cases of ordinary tours within the jurisdiction & that cases similar to the one on hand could not have been contemplated at the time of framing the rules.

For orders whether in these circumstances the Coll^r's letter may be submitted to Govt with the Board's suppt.

9.3.30 There does not seem to be any strong case for differing from the view taken by the Addl. Dy. Comr recommending the Tahsr's case to Govt. As the Coll^r's letter is, however, addressed to Govt it may simply be submitted to them for orders.

9.4.30 Though the Addl. Dy. Comr is technically correct, the Coll^r appears to have made out a strong case for the grant of mileage to the Tahsr for the journey. The proposal may be recommended to Govt.

W 3/4

JVH
1.4.30

M1

draft submitted for approval

4.4.30 hs
4.4.30 JSH
4.4.30

[James Bds ref E 1876 of 7.4.30]
P.O. E 2531/30 p5 cf.

Ol file P.O. on page 5 cf

submitted

6/5/30 hs
6.5.30 JSH
6.5.30